

REMARKS

Status of the Claims

Claims 1-11 are pending; claims 6-10 are withdrawn; and claims 1, 2 and 5 are currently amended.

Claims 1, 2 and 4 have been amended to recite that the claimed fructosylamine oxidase is "isolated." Support for this amendment is found in the specification on page 7, line 24 and page 8, lines 6-10.

Claims 1, 2 and 4 have been amended to recite that the claimed fructosylamine oxidase is an "enzyme." Support for this amendment is found in the specification on page 4, lines 16-21.

Claims 1, 2 and 4 have also been amended so that they do not recite "derivatives" of fructosylamine oxidase.

Claims 1, 2 and 4 have been amended for grammar.

No new matter has been added.

1. The Information Disclosure Statement

The Examiner has indicated that the foreign patent documents listed in the Information Disclosure Statement of March 25, 2005 are illegible. (Office Action page 3). Applicants have enclosed a legible copy for each of these foreign patents.

2. Claim Rejections under 35 USC §101

The Examiner has rejected claims 1-5 as allegedly drawn to non-patentable subject matter. (Office Action page 2-3). Also as discussed above, Applicants have amended the claims to recite that the claimed fructosylamine oxidase is “isolated,” thereby obviating the rejection.

3. Claim Rejections under 35 USC §112, First Paragraph – Enablement

The Examiner has rejected claims 1, 2 and 4 as allegedly not enabled. The Examiner’s detailed reasoning for imposing this rejection appears on pages 4-5 of the Office Action, and is not reproduced here. As discussed above, Applicants have amended the claims so that they do not recite “derivatives” of the claimed fructosylamine oxidases, thereby obviating the rejection.

4. Claim Rejections under 35 USC §112, First Paragraph – Written Description

The Examiner has rejected claims 1, 2 and 4 as allegedly failing to meet the written description requirement. The Examiner’s detailed reasoning for imposing this rejection appears on pages 5-6 of the Office Action, and is not reproduced here. As discussed above, Applicants have amended the claims so that they do not recite “derivatives” of the claimed fructosylamine oxidases, thereby obviating the rejection.

5. Claim Rejections under 35 USC §102

The Examiner has rejected claims 1 and 4 as allegedly anticipated by Accession AAW69251. The Examiner’s detailed reasoning for imposing this rejection appears on pages 6-7 of the Office Action, and is not reproduced here. As discussed above, Applicants have amended the claims so that they do not recite “derivatives” of the claimed fructosylamine oxidases, thereby obviating the rejection.

6. Conclusion

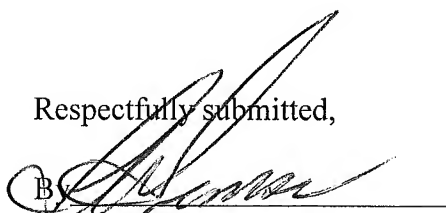
In view of the foregoing amendments and remarks, Applicants request immediate allowance of the claims, which define subject matter that meets all statutory patentability requirements.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Leonard R. Svensson, Registration No. 33,330, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution of the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Dated: September 4, 2007

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L. Svensson', is written over a horizontal line. The signature is stylized with a large, sweeping 'S'.

Leonard R. Svensson
Registration No.: 30,330
BIRCH, STEWART, KOLASCH & BIRCH, LLP
12770 High Bluff Drive
Suite 260
San Diego, California 92130
(858) 792-8855
Attorney for Applicant